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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/664,238 06/07/96 LUDWIG

L VCOR-001/06U

TM02/0109  
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EXAMINER

DINH, D

ART UNIT

PAPER NUMBER

2153

39

DATE MAILED:

01/09/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/664,238

Applicant(s)

LUDWIG ET AL.

Examiner

Dung Dinh

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☒ The proposed drawing correction filed on 15 September 2000 is: a) ☒ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

#### DETAILED ACTION

The last office action (paper #33) is withdrawn in view of the preliminary amendment filed 9/15/2000.

Claims 2-10, 12-60 are now pending.

The proposed drawing correction filed on 9/15/2000 (paper #34) has been approved.

The substitute specification 1-27-2000 (paper #35) has been entered except for page 64 which contains a recitation of a claim 1.

Applicant's arguments have been fully considered but they are not persuasive. Applicant argued essentially that the examiner had improperly combined of the references to reach the claimed invention. The argument is not persuasive because the essence of the present invention is directed to the participant locator concept of associating the user in a conference with the station at which he logged on. Although the claims recites various limitations directed to AV path and video/audio equipments, these amount to no more than a field of use because the various recited elements (AV path, audio/video capture devices) are not needed for the functioning of the participant locator. The participant locator concept and the advantage thereof is clearly taught by the Biswas reference.

The test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

Claims 2-10, 25, 12-16, 48-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biswas et al. "Distributed Scheduling of Meetings: A Case Study in Prototyping Distributed Applications" and further in view of the Etherphone system as disclosed by Rangan "Software Architecture for Integration of Video Services in the Etherphone System" and Vin "Multimedia conferencing in the Etherphone Environment".

As per claim 2, Biswas discloses a distributed meetings application wherein the system is configured to associate a participant with only each workstation at which the participant logs in and to route and display meeting information to the workstation at which that participant is logged in [see p.661 col.2 3<sup>rd</sup> paragraph]. Biswas does not teach a teleconferencing system with AV path for video/audio, AV conference manager, etc.

Rangan discloses the Etherphone is a teleconferencing system comprising:

workstations having audio and video reproduction capabilities [Rangan p.1396 fig.1];

AV path for carrying AV signals [fig.1];

AV conference manager [p.1397 Macaw];

a participant locator [apparent from p.1398 "if a participant moves to new location, Macaw reroutes ... to new location"].

Rangan does not specifically disclose the system is configured to associated a participant with only each workstation at which the participant logs in. Rangan discloses that a connection is establish by a connect command having a participant ID parameter [p.1397 col.2 last paragraph].

It would have been obvious for one of ordinary skill in the art to use a teleconferencing system such as the Etherphone system

together with Biswas because it would have enable routing calls of audio/video services with distributed computing and multimedia collaboration to the station the participant is currently using [Biswas p.657 col.1 1<sup>st</sup> pargraph].

As per claimd 25, 48 and 54, they are rejected under similar rationale as for claim 2 above.

As per claims 3, 6, 12-13, 49-50, 55-56, 60 Rangan and Vin do not specifically disclose a service directory of the workstation audio video capability. Vin discloses the Etherphone system support conferencing using common capabilities or mixed capabilities by determining audio video capabilities of the workstations [p.72 col.3]. Hence, it would have been obvious or one of ordinary skill in the art to have directory for determining audio, video capabilities of the workstation participating in the conference.

As per claim 4, Rangan disclose switches to establish teleconference between participants [p.1396 fig.1 "Matrix switch"]. The number of switches and participant supported would have been a matter of design choice. It would have been obvious for one of ordinary skill in the art to have the appropriate number of switches to support a desired number of participants.

As per claim 5, Rangan does not disclose Wide Area network (WAN) switches. However it is well known in the art to have WAN switches (gateway) for connecting workstations over geographically dispersed locations.

As per claim 7, it is apparent that the conference manager would choose reproduce devices based on availability.

As per claims 8-9, Rangan discloses user interface art to provide user selecting capability of reproduction devices [p.1397 col.1 last paragraph].

As per claims 10 and 15, the reference does not specifically disclose format conversion. However it is well known in the art to have converter for different AV signal encoding. It would have been well within the level of one of ordinary skill in the art to have converter for converting the AV format.

As per claim 14, Rangan disclose interfacing to external video production device [p.1396 fig.1 Optical disc].

As per claim 16, the Etherphone system has digital data path [Ethernet].

As per claim 51 and 57, the references do not specifically disclose replicating the capabilities database at the workstations. It would have been obvious for one of ordinary skill in the art to replicate the database at the workstations because it would

have enabled quick access and reduce request traffic over the network.

As per claims 53 and 59, the references do not specifically disclose notifying the caller when the called user is not login. It would have been obvious for one of ordinary skill in the art to do so because it would have promptly provide feedback to the caller on the status of the call.

Claims 17, 19-20, 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Biswas et al. and the Etherphone system as disclosed by Rangan and Vin above and further in view of Champa US patent 5,315,633.

As per claim 17, Rangan and Vin do not disclose codecs and AV switch for routing signal from first to second location via a third location.

Champa teaches a teleconferencing system comprising:

an AV path [fig.4 # 45] for carrying AV signals, connecting the first workstation [fig.4] to a second work station [another station as in fig.4] via a third location [control hub fig.5, see col.7 lines 34-40];



first, second codecs [fig.4 #41], and third codecs [fig.5 #76] at said first, second and third locations configured to compress AV signal;

an AV switch [fig.5 switch #57] at the third location operable to route compressed AV signals to other locations without said compressed AV signals being decompressed by said third codec [apparent from col.6 and fig.5 - from fig.5, it is clear that the third codec (76) only code/decode signal for the link 75. All other signal would pass through the switch untouched by the codec 76].

It would have been obvious for one of ordinary skill in the art to combine Champa teaching with the EtherPhone system because it would have improved the system by enabling conference over wide area network.

As per claim 19 and 20, the frames rate are inherent characteristic of the system. The particular frame rate would have been a matter of design choice depending upon the quality of video playback required.

As per claim 21, it is rejected under similar rationales as for claim 17 above.

Claims 18, 22-24, 26-47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Biswas et al. and the Etherphone system and Champa above, and further in view of IBM Technical Disclosure Bulletin Vol.34, no.7a, Dec. 1991.

As per claim 18, Champa does not specifically disclose a data conference manager using network protocol to control the video conference. IBM disclosure teaches a data conference manager [Conference server] controlling video conference [tuners, Rfmod, Codec] using data network [LAN]. Hence, It would have been obvious for one of ordinary skill in the art to have data manager using network protocol to control AV conference because it would have enable integration of data and AV conferences.

As per claim 22, it is rejected under similar rationales as for claim 18 above.

As per claims 23-24 they are rejected under similar rationales as for claims 19-20 above.

As per claims 26, it is rejected under similar rationales as for claims 2+16+18 above.

As per claim 27, it is rejected under similar rationale as for claim 4 above.

As per claim 28, it is well known in the art to have WAN switches (gateway) for connecting workstations over geographically

dispersed locations. Champa teaches geographic dispersed switch and AV path over Wide Area Network [fig.5 T1 line 79 and Trans Ocean line 83].

As per claim 29, Rangan teaches Etherphone system having an AV switch [fig.1 Matrix switch] for receiving and routing AV signal;

AV reproduction device with audio/video capabilities. [apparent from fig.1];

a directory of AV reproduction device and its associated capabilities [apparent from p.1397 col.2].

As per claim 30, Vin discloses the Etherphone system having AV conference manager select the AV reproduction device according to capabilities [p.27 col.3].

As per claim 31, Rangan discloses external video producing device [p.1396, fig.1].

As per claim 32, Rangan discloses user interface art to provide user selecting capability of reproduction devices [p.1397 col.1 last paragraph].

As per claim 33, the reference does not specifically disclose supporting different signal format standard. It is well known in the art to have converter for different AV signal encoding. It would have been well within the level of one of ordinary skill in

the art to have converter for converting the AV format and support plural signal format standard.

As per claim 34, the Etherphone system has digital data path [Ethernet];

As per claim 35, Rangan discloses managing the video conference by communication over the data path [apparent from p.1397-1398]. The IBM TDB v.34 teaches controlling the video conference by communication transmitted over the data path [p.337 lines 10-17].

As per claim 36, it is rejected under similar rationale for claim 17 above.

As per claims 37-38, the frames rates are inherent characteristic of the system. The particular frame rate would have been a matter of design choice depending upon the quality of video playback required.

As per claims 39, it is rejected under similar rationales as for claims 2+16+18 above.

As per claim 40, Vin discloses the Etherphone system having AV conference manager select the AV reproduction device according to capabilities [p.27 col.3].

As per claim 41, Rangan discloses the Etherphone system having AV reproduction device [fig.1 Optical disk] and selecting reproduction service to the workstation.

As per claim 42, it is apparent that there is an interface between the AV conference manager and the reproduction device.

As per claim 43, the reference does not specifically disclose supporting different signal format standards. It is well known in the art to have converter for different AV signal encoding. It would have been well within the level of one of ordinary skill in the art to have converter for converting the AV format and support plural signal format standard.

As per claim 44, Champa teaches compressing AV signal, receiving AV signal at a third location [switch in fig.5] and routing to the second location without decompressing at the third location.

As per claim 45, Rangan discloses managing the video conference by communication over the data path [apparent from p.1397-1398]. The IBM TDB v.34 teaches controlling the video conference by communication transmitted over the data path [p.337 lines 10-17].

As per claims 46-47, the frame rates are inherent characteristic of the system. The particular frame rate would

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have been a matter of design choice depending upon the quality of video playback required.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, DC 20231

**or faxed to:**

(703) 308-9051, (for formal communications)

(703) 305-9731 (for informal or draft communications,  
please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).



Dung Dinh  
Primary Examiner  
December 19, 2000